

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE: : CHAPTER 13
Jose Alberto Ortiz
Cristina Ortiz
Aka Christina Aguilar
:
:
Debtors. : CASE NO. 07-60575-jem
JUDGE Massey

Jose Alberto Ortiz

CONTESTED MATTER

Movant,

v.

American General Finance, Inc.
c/o John J. Bolger, CEO

Respondent.

MOTION TO AVOID JUDICIAL LIEN

Jose Alberto Ortiz, Debtor in this Bankruptcy case, moves for an Order avoiding a judicial lien held by Respondent pursuant to 11 U.S.C. Section 522(f) and alleges as follows:

Respondent obtained a judgment against Debtors on or about June 24, 2003, in the Magistrate Court of Clayton County, Georgia, Case Number 2003CMO8V872, and the amount of that judgment lien on the petition date was \$3,074.16.

Pursuant to 11 U.S.C. section 522 and O.C.G.A. section 44-13-100, Debtor's properly claimed as exempt on Schedule C the following property:

1. checking account
2. general household goods
3. wearing apparel
4. jewelry
5. 1996 Ford Ranger
6. 2004 Dodge Neon
7. cash

8. Real property commonly known as 839 Terance Avenue, Jonesboro, GA 30238. The total value of the property is \$145,000.00. The Debtor owns a one-half (½) interest in the property. The debtor's interest is \$72,500.00. The mortgage lien is \$143,516.00. The amount of the judgment on the petition date was \$3,074.16. The sum total of liens on the property is \$146,590.16. The value of the Debtor's exemption as reflected on Schedules C is \$1,484.00. The total liens and exemptions are greater than the Debtor's interest in the real property.

As to the other property enumerated in 1-6, above, the value of each claimed exemption in the above property as shown on Schedule C is equal to or greater than the market value of that property, as accurately reflected on Schedules A and B.

Wherefore, Debtors are entitled to entry of an Order avoiding Respondent's lien against the exempt property as set forth above.

This 18th Day of October 2009.

Respectfully Submitted,

/s/ Lisa Sampson-Roberts

Lisa Sampson-Roberts

Ga Bar. No. 609270

SAMPSON-ROBERTS & ASSOCIATES

1233-B Eagles Landing Pkwy.

Stockbridge, GA 30281

678-565-9311

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**NOTICE OF REQUIREMENT OF RESPONSE TO MOTION
TO AVOID LIEN ON EXEMPT PROPERTY AND OF TIME TO FILE SAME**

NOTICE IS HEREBY GIVEN that, on **October 18, 2009** a Motion To Avoid Judicial Lien on exempt property pursuant to 11 U.S.C. § 522 was filed in this case.

NOTICE IS FURTHER GIVEN that, pursuant to BLR 6008-2, Respondent must file a response to the motion within 20 days after service, and serve a copy of said response upon Movant. If no response is timely filed and served, the motion will be deemed unopposed and the Bankruptcy Court may enter an order granting the relief sought.

Dated and served this **October 18, 2009**.

/s/Lisa Sampson-Roberts
Ga. Bar No. 609270

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am, and at all times hereinafter mentioned, was more than 18 years of age, and that on **October 19, 2009**, I served a copy of the Motion to Avoid Lien on Exempt Property, together with the Notice of Requirement of Response to Motion to Avoid Lien on Exempt Property and of Time to File Same by U.S. First Class Mail with proper postage affixed upon:

American General Finance, Inc.
c/o John J. Bolger, CEO
601 NW 2nd Street
Evansville, IN 47708

American General Finance, Inc.
c/o William A. Rotzien, Secretary
601 NW 2nd Street
Evansville, IN 47708

Chapter 13 Trustee
Nancy J. Whaley
Ste 120
303 Peachtree Center Ave.
Atlanta, GA 30303

Jose Alberto Ortiz
Cristina Ortiz
839 Terance Avenue
Jonesboro, GA 30238

Dated and served on **October 18, 2009**.

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/s/Lisa Sampson-Roberts
State Bar No. 609270